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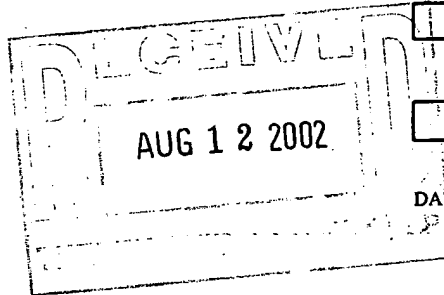
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,092	02/16/2001	Richard Lalau	034300-121	4005

7590

08/06/2002

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EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

CPI *28/15*

# Office Action Summary

Application No.

09/788,092

Applicant(s)

LALAU ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- a. Claims 1, 3-9, 12-20, 22-25, 27-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (U.S. Patent 6,243,656)

Arai discloses a method of controlling speed of data in a communication device, monitoring and determining the temperature, throttling or regulating the speed of data when temperature exceeds an acceptable temperature (col. 1-2, lines 40-45), using temperature monitor sensor (col. 1, lines 45-57).

Arai does not disclose the communication device as a wireless modem, It would have been obvious to one of ordinary skill in the art at the time the invention was made to know in order to reduce heat on a semiconductor chips to prevent IC having permanent damage, one can either lower the supply voltage or total power consumption of the device and lower the speed of data transfer of such device. This case the applicant try to lower the temperature of the device by lowering the transfer speed, namely 14.4 and 9.6 kilobits/sec, and reducing the duty cycle by half affecting lowering the output power of the device.

b. Claims 10, 11, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai as applied to claims above, and further in view of Longaker (U.S. Patent 6,226,601)

The Arai disclose a method including the subject matter discussed above except the use of a CDMA and TDMA technique, Longaker disclose such usage to increase the efficiencies of transmission (col. 2, lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai to have the use of a CDMA and TDMA technique taught by Longaker in order to increase the efficiencies of transmission.

c. Claims 2, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai as applied to claims above, and further in view of ST microelectronic STLC60134.

The Arai disclose a method including the subject matter discussed above except the temperature range of about -45 to 70 degrees Celsius, ST microelectronic STLC60134 disclose the operating temperature of the device (page 1) in order to prevent from any hardware damage.

Art Unit: 2863

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Arai to have the temperature range of about -45 to 70 degrees Celsius taught by ST microelectronic in order to prevent from any hardware damage.

### ***Response to Arguments***

2. Applicant's arguments filed 7/16/2002 have been fully considered but they are not persuasive.

Applicant argue the narrow definition of communication device that CPU is not a communication device, Merriam-Webster's define communication as an act or instance of transmitting, CPU use data bus, address bus, interrupt to communicate with the rest of the system, the CPU transmit data through data bus with the guidance of address bus to a specific address of the memory storage system. It would have been fundamentally obvious to one of ordinary skill in the art at the time the invention was made to know that CPU is a communication device.

Applicant also argue that there are no communication to a second device, Arai fig. 1 shows the CPU communicating with a system memory, Bios ROM, RTC CMOS, System controller, driver controller, etc, notice they are bi-direction flow of data on the data bus, according to Merriam-Webster's it consider a

Art Unit: 2863

communication device, therefore the CPU does communicate with a second communication device.

Applicant also argue that prior art does not suggest the use of 14.4 and 9.6 Kilobits/sec on communication speed. Fig. 4 of Arai shows through the Bios the setting for serial communication port address, it would have been obvious to one of ordinary skill in the art at the time the invention was made to know that serial communication port come standard 1.2, 2.4, 9.6, 14.4, 28.8 Kilobits/sec and with the latest technology it can communicate as high as 56 Kilobits/sec with v92 standard, for example, any modem today for desktop computer support the mention transmission speed specially when speed is less than 28.8K/s.

Applicant argue the use of prior art 6,226,601 (Longaker) is not obvious, 6,226,601 deals with communication device, Longaker talk about the technique of transmission using TDMA, CDMA (col.2, lines 1-16) to increase the efficiencies of transmission (col. 2, lines 50-62).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

Art Unit: 2863

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S Hilten can be reached on 703-308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TL

July 30, 2002



JOHN S. HILTEN  
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